



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF:
Commander

MAY 05 2010

Honorable Donald M. Payne
House of Representatives
2310 Rayburn House Office Building
Washington, DC 20515-3010

Dear Congressman Payne:

As a follow up to our meeting last month at Darling International, Inc. my staff has been looking for a possible path forward to maintain dredge the 30-foot navigation channel in the Passaic River up to River Mile 1.7, which is the location of the Getty Terminal in Newark, New Jersey and the extent of the greatest commercial tonnages. The channel was last maintenance dredged in 1983, just before the U.S. Environmental Protection Agency determined the river bottom was a Superfund site.

We are currently estimating 1,700,000 cubic yards must be dredged and safely disposed of to restore the 30-foot navigation channel to River Mile 1.7. This volume includes needed maintenance dredging of the turning basin area in Newark Bay at the entrance to the Passaic River, as shown on the enclosed graphic.

The only recent maintenance dredging in the Passaic River has been the just completed berth maintenance dredging by the Passaic Valley Sewerage Commissioners. Within the next sixty days, there is scheduled berth maintenance dredging by the Sunoco Terminal and the Centerpoint-APEX Terminal on the Passaic River in the City of Newark. The Passaic Valley Sewerage Commissioners safely dredged 40,000 cubic yards and properly disposed of them in the existing Newark Bay Dredged Material Confined Disposal Facility subaqueous pit at the bottom of Newark Bay. The next two terminals will also dispose of their Passaic River dredged materials there, 10,000 cubic yards and 25,000 cubic yards, respectively. This existing two-million-cubic-yard subaqueous pit, built in 1997, was dredged into the clays below Newark Bay. It will be filled during the next months, and then capped with clean sand to isolate the dredged materials. All of the remaining capacity of this pit is scheduled.

Even if the navigation channel could be maintenance dredged, there would still be contaminated Superfund sediments on the river bottom which must be removed from the aquatic environment, in order that the navigation channel could continue to be maintenance dredged into the future. As you proposed, the next step would be to meet again, along with representatives of the U.S. Environmental Protection Agency to identify possible courses of action which will not only restore the needed deep-draft high-use reaches of the navigation channel, but also remove the rest of the Passaic River's contamination from the aquatic environment.

I hope this is sufficient for your current needs and look forward to our next meeting. If there are any questions, please call me at 917-790-8000.

Sincerely,

A handwritten signature in dark ink, appearing to read 'JRB', with a long horizontal stroke extending to the right.

John R. Boulé II
Colonel, Corps of Engineers
Commander

Enclosure